

National Planning Policy Framework (NPPF) consultation

Response from the Open Spaces Society, September 2024

1 Summary of Open Spaces Society's response

- 1.1 Introduce legal protection and long-term maintenance of urban green space.
- 1.2 Require councils to improve access for recreation and protection of open space using the powers available to them (see the society's [Council powers guidance](#)).
- 1.3 Make the provision of open space a statutory requirement.
- 1.4 Provide additional funding and help for planning authorities to ensure they have sufficient skills and resources.
- 1.5 Introduce a national plan for open spaces, with a national standard for the amount of green space and ring-fenced funding which will secure good-quality spaces close to people's homes.
- 1.6 Require that the 'Golden Rules' proposed for development on newly-released green belt land are applied to all new development.
- 1.7 Place a duty on local authorities to ensure that everyone can enjoy good-quality, well-maintained, and safe open space within 300 metres of their homes. This can be assisted by requiring:
 - local authorities to manage and protect their green spaces, and to provide the resources to achieve this;
 - developers to provide open space as an integral part of all major development, and to dedicate the land as town or village green so that local people have rights of recreation there and it is secure for ever;
 - improve the Local Green Space (LGS) process and strengthen the protection to ensure that local open spaces, so vital during the lockdown restrictions, are not

vulnerable to development. Ensure the review of green belt does not include land already designated as LGS;

- develop pro-active measures to equalise open space provision for all;
- deliver a more accessible neighbourhood-planning regime;
- ensure that the use of permitted development rights, and permission in principle, will not result in more development affecting public rights of way;
- provide protection for the environment, important open spaces, and public rights of way when onshore wind-power schemes are proposed on sites that have not been designated in the local plan.

1.8 The planning system and national planning policy need to recover nature and tackle climate change and contribute to meeting the government's own environmental targets, such as the Environment Act 2021 targets, net zero, and environmental ambitions.

1.9 However, there have been significant missed opportunities for tackling the urgent nature and climate crises. We welcome the proposals to introduce strategic planning but in addition, to enable the planning system to work for nature and people, the government needs to make changes to the NPPF to support the planning and protection of open spaces.

1.10 Current open-space protections and policies relating to the disposal of open space in the planning system and in the proposed amendments to the NPPF are designed mainly to assist developers rather than to protect existing green space, for instance, they allow for disposal and mitigation that may not even be in the same neighbourhood. In the society's view the planning system must have the protection and creation of open space, and the need to provide opportunities for public recreation (including public rights of way), at the same level of priority as transport and other infrastructure requirements.

2 Introduction

2.1 The Open Spaces Society (OSS) was founded in 1865 and is Britain's oldest national conservation body. It campaigns to protect common land, village greens, open spaces and public paths, and people's rights to enjoy them.

2.2 OSS is a member of the [Better Planning Coalition](#) (BPC) and continues to lobby for a fair and transparent system that works for access and people, and addresses mitigation of climate change.

The Government should consider the following additions to the NPPF:

2.3 The prohibition of development on irreplaceable habitats, applying the strengthened policy protection for ancient woodland and ancient and veteran trees to registered common land which provides multiple benefits for access, farming, biodiversity and mitigation of climate change.

2.4 A new planning designation with a presumption against any change that would be to the detriment of equitable open-space provision for all consistent with the [Environment Improvement](#)

[Plan](#). The mechanism could be through the Local Nature Recovery Strategies and recognised in local plans, to ensure people nature and climate all benefit. The equitable provision of open space is crucial.

2.5 The Natural England Green Infrastructure (GI) Standards should be included in a local GI Strategy and applied in local and neighbourhood plans and require consideration of the urban-greening factor contained in the standards.

2.6 Local design codes, which are to be made mandatory, must be based on good community engagement. However, the National Model Design Code (NMDC) only contains principles in the Nature and Movement sections about connective networks and open-space provision. There must be more robust protection for open space once a new development has been created, for instance by voluntary registration of the land as [town or village green](#) (TVG).

3 OSS response to the consultation relevant to the society's objectives

Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?

3.1 We oppose the deletion of paragraph 130. Paragraph 130 was added to the NPPF to explain that local character can be taken into account when local planning authorities consider their ability to meet their housing needs. The existing policy sets out that significant uplifts in density may be inappropriate if this would result in development wholly out of character with the existing area. Local planning authorities are required to use authority-wide design codes to evidence the impact on character.

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

3.2 Before any such changes are made to the content and provision of local design codes, there are various matters in the National Model Design Code (NMDC) which need to be addressed as the local codes would be based on the NMDC.

3.3 We tentatively welcomed the previous government's introduction of a NMDC on condition that this must include robust community engagement.

- 3.4 The NMDC (page 18) requires levels of provision of new green space to be based on the government's open space and recreation guidance. The guidance could be strengthened by reference to the aims of the government's 25 Year Environment Plan.
- 3.5 The NDMC should require accessible open space (as outlined in the society's [Open Space Charter for England](#)) within walking distance of new development. This would be consistent with this government's commitment that everyone should live within walking distance of their nearest greenspace.
- 3.6 We question whether local planning authorities are going to have the necessary resources to produce their own design codes and to engage in meaningful community consultation. It is unclear what status will be afforded to masterplans produced by developers.
- 3.7 We also question to what extent the implementation of the NMDC may be limited by the reduction in the scope of Article 4 directions, particularly given the previous government's extension of PDRs. Local planning authorities need to retain the ability to remove permitted development rights in order to allow design codes and guidance to be fully effective.
- 3.8 A stated principle of the NMDC purports to encourage early community engagement in the design of places and planning applications, and this should be reflected more strongly in the NMDC. This should be in addition to public consultation on proposed new development.
- 3.9 We welcomed the change, by the previous government, to the definition of green infrastructure (in NPPF glossary) which accords with that set out in the new national framework of green infrastructure standards.
- 3.10 The NMDC does not appear to recognise the importance of the role of green infrastructure in restoring the natural environment alongside the health and well-being benefits green infrastructure provides. The value and benefits of green space (and their protection) in enhancing the natural environment must be included in relation to holistic place-making in the NMDC. The NMDC should reflect the government's policies that already recognise the importance of local green spaces and connecting spaces.
- 3.11 The NMDC should focus on how landscape character will be taken into account in the design process, in respect of protecting local natural and cultural heritage. We believe it would be helpful to reference access to green space standards, and highlight where environmental gains, including public access, can be achieved.
- 3.12 In addition, all design codes, no matter who develops them, must be subject to full consultation and community engagement and meet the required standards in national and local policies. The provision for open spaces (in the nature section) should include protection mechanisms, and public access.

Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?

3.13 We are concerned that the proposed amendment appears to contradict section 8 of the NPPF which references achieving sustainable development through three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- **an economic objective** – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social, and cultural well-being;
- **an environmental objective** – to protect and enhance our natural, built, and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

3.14 Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. It is not clear that the amendment would be consistent with those requirements.

Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

3.15 We do not agree that the proposed change should be made. We require reassurance that a planning authority would still be able to look at other matters, for instance where development is proposed on open space or public rights of way.

3.16 Not all brownfield land is suitable for development, it may include areas of open space well used by local people and may provide wildlife habitats.

Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the green belt?

3.17 The society is very concerned that any changes to the policy for the protection of green belt land will, perhaps as an unintended consequence, weaken the protection of land that has been designated as a local green space (LGS), or will in the future be so designated, because the level of protection of such land is stated in paragraphs 105 (previous 107) of the NPPF to be consistent with those for green belts in respect of managing development.

3.18 This issue must be addressed as a matter of urgency otherwise the protection currently afforded to LGS land is at risk of being undermined.

3.19 However, the concerns of the OSS about the LGS process and designation must also be addressed to ensure provision of open space for all. The protection must include opportunities for public recreation. Much green belt does not include opportunities for recreation or access along rights of way, and the absence of access opportunities should be addressed. In addition, there is nothing in Part 2 of the NMDC (Nature) about protection of green space. Changes are needed to ensure open space is protected so that it can provide multiple benefits for future generations.

Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

3.20 We do have concerns about any changes to the definition of PDL. At present the definition exempts parks and recreation grounds, and it is essential that the definition is not changed. Wording below.

*Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. **This excludes:** land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; **land in built-up areas such as residential gardens, parks, recreation grounds and allotments;** and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

3.21 The proposal to define grey belt land as green belt land which makes a limited contribution to the green belt's purposes, as set out in paragraph 143 of the current NPPF, does

not address the land designed as LGS which is stated in paragraph 105 of the NPPF to have the same protection as that of green belt land. These areas should not be included in the definition of grey belt land and should be specifically exempted in any proposed definition of grey belt land. Otherwise, there is a risk that they could be included if they are found not to contribute to the green belt purposes. These purposes are not relevant to the criteria which LGS is required to satisfy, and this anomaly must be urgently addressed to avoid LGS land being defined as grey belt land.

3.22 Registered common land should be excluded from the definition because it provides multiple benefits for access, farming, biodiversity and mitigation of climate change.

Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?

3.23 LGS land and land designated as LGS in the future should be specifically excluded from the grey belt criteria. Registered common land should also be excluded.

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

3.24 We agree there needs to be detailed guidance on classifying grey belt land, and wording should also be included in the NPPF.

Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

3.25 The guidance does not address land designated as LGS, which is stated to have the same protection as green belt land and is therefore vulnerable to development if not specifically excluded.

Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

3.26 One of the limitations of LNRS is that the provision of additional access is not a requirement.

Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

3.27 If the definition of PDL includes the current exemptions of parks, recreation grounds, and allotments and the definition of grey belt land specifically excludes land that is designated as LGS, common land, and land registered as a town or village green, then the proposals could support release of land in the right places.

Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

3.28 Yes, we agree that any release of land should not fundamentally undermine the function of green belt.

Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?

3.29 At present local planning authorities may choose to review and alter green belt boundaries where exceptional circumstances are fully justified. The proposals are a radical change and, if they are brought in, government should ensure that any reviews of green belt land are done through the plan-making process allowing full public consultation.

Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

3.30 Paragraph c of the golden rules requires the provision of new, or improvements to existing, local green spaces that are accessible to the public – *where residential development is involved, new residents should be able to access good quality green spaces within a short walk of their homes, whether through onsite provision or through access to offsite facilities.*

3.31 The provision should be for onsite provision and not for offsite facilities as this could result in people not being able to travel to an offsite facility, thus denying them access to open space.

3.32 These rules should be applied to all new developments and not just those where proposed development is on green belt release land.

3.33 Any new open space must be protected from future development, for instance by [voluntary registration](#) as a town or village green.

3.34 In addition, a duty should be placed on local authorities to ensure that everyone can enjoy good-quality, well-maintained, and safe open space within 300 metres of their homes. This can be promoted by:

- a) requiring local authorities to manage and protect their green spaces, and to provide the resources to achieve this;
- b) mandating developers to provide open space as an integral part of all major development, and to dedicate the land as town or village green so that local people have rights of recreation there and it is secure for ever;
- c) the improvement of the Local Green Space (LGS) process (ie by streamlining it, and making it available more widely so that it is not restricted to when a local or neighbourhood plan is being reviewed or progressed);
- d) strengthening the protection to ensure that local open spaces, so vital during the lockdown restrictions, are not vulnerable to development;
- e) ensuring the review of green belt does not include land already designated as LGS; and
- f) developing pro-active measures to equalise open space provision for all and deliver a more accessible neighbourhood-planning regime.

Question 43: Do you have a view on whether the golden rules should apply only to ‘new’ Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?

3.35 The golden rules should be applied to all new development, not just to development on new green belt release land.

Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to ‘beauty’ and ‘beautiful’ and to amend paragraph 138 of the existing Framework.

3.36 We agree in principle that development should be well-designed and beautiful. However, if you remove those words you need to compensate by strengthening the requirements for achieving well designed places.

3.37 We are concerned that achieving well-designed places will fall short because the NMDC does not appear to prioritise the importance of the role of green infrastructure in restoring the natural environment alongside the health and well-being benefits green infrastructure provides. The value and benefits of green space (and their protection) in enhancing the natural environment

must be included in relation to holistic place-making in the NMDC. The NMDC should reflect the government's policies that already recognise the importance of local green spaces and connecting spaces.

3.38 The NMDC should focus on how landscape character will be taken into account in the design process, in respect of protecting local natural and cultural heritage. We believe it would be helpful to reference access to green space standards, and highlight where environmental gains, including public access, can be achieved.

3.39 In addition, all design codes, no matter who develops them, must be subject to full consultation and community engagement and meet the required standards in national and local policies. The provision for open spaces (in the nature section) should include protection mechanisms, and public access.

3.40 At present there is nothing in Part 2 of the NMDC (Nature) about protection of green space. Changes are needed to ensure open space is protected so that it can provide multiple benefits for future generations.

Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?

3.41 We do not agree with the additions proposed to existing paragraph 87 of the NPPF which will apply to both plan making and planning decisions, because the changes set more explicit expectations about commercial requirements which could be detrimental to the character and amenity value of an area.

Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?

3.42 In 2023, the Better Planning Coalition, of which OSS is a member, put forward an amendment to the Levelling Up and Regeneration Act which would have created a duty to reduce health inequalities and improve well-being for local planning authorities.

3.43 While DLUHC felt that a statutory duty was not the right mechanism to deal with health inequalities and well-being, it considered that more could be done using national planning policy. We welcome the government's intention to promote healthy communities.

3.44 The NPPF should establish the promotion of physical, mental, and social health and well-being as one of the central objectives of planning and planning decisions. This requirement should not only focus on health promotion but also on reducing health inequalities, as defined at a spatial level.

3.45 Local plans should contain policies designed to promote health and well-being and reduce health inequalities, including healthy and diverse housing, neighbourhood design, healthy food,

sustainable and integrated transport, sustainable natural environments, and accessible and inclusive green spaces.

3.46 When making site allocations, local authorities should consider the safe and convenient walkable proximity to key destinations such as shops, schools, parks, recreation and open spaces, and public transport.

3.47 The NPPF should require the proposals maps in local plans to include data from Local Cycling and Walking Infrastructure Plans (LCWIPs), Rights of Way Improvement Plans (RoWIPs) or other sustainable transport infrastructure proposals in the area's Local Transport Plan (LTP), so that these are incorporated from the outset in the planning and layout of new development proposals.

3.48 Planning policies and site allocation should take account of local green infrastructure plans and Local Nature Recovery Strategies, and ensure equitable provision of high-quality green and blue infrastructure.

3.49 New national planning guidance could cover the detail of what these requirements would involve. This would support local planning authorities to integrate health inequalities and well-being policies into their plans.

3.50 Introducing such measures would help achieve other government aims by increasing access to green infrastructure. The Environmental Improvement Plan pledged that 'everyone should live within 15 minutes' walk of a green or blue space', but currently many communities lack this.

Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

3.51 Much land that is registered as common land contains areas of peat land and must be excluded development for renewable energy, whether it is classified as SSSI or not.

Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?

3.52 There have been significant missed opportunities for tackling the urgent nature and climate crises. We welcome the proposals to introduce strategic planning but in addition to enabling the planning system to work for nature and people, the government needs to make changes to the NPPF to support the planning and protection of open spaces.

3.53 Current open-space protections and policies relating to the disposal of open space in the planning system and in the proposed amendments to the NPPF are designed mainly to assist developers rather than to protect existing green space by allowing for disposal and mitigation that



may not even be in the same neighbourhood. In the society's view the planning system must have the protection and creation of open space, and the need to provide opportunities for public recreation (including public rights of way), at the same level of priority as transport and other infrastructure requirements.

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